

**0.0 Planning Application PL16/026448 at 268-272 Manningham Road, Templestowe Lower for the use and development of the land for a two-storey medical centre with associated basement car park, reduction of the associated car parking requirements and alteration of access to a road in a Road Zone, Category 1**

File Number:	IN16/7
Responsible Director:	Director Planning and Environment
Applicant:	Victorian Specialist Centre Pty Ltd
Planning Controls:	Residential Growth Zone, Schedule 2; Design and Development Overlay, Schedule 8; Adjacent to land in a Road Zone, Category 1
Ward:	Koonung
Attachments:	1 Development and landscape plans 2 Legislative Requirements

### **EXECUTIVE SUMMARY**

#### **Purpose**

1. This report provides Council with an assessment of the planning permit application submitted for land at 268-272 Manningham Road, Templestowe Lower. This report recommends approval of the submitted proposal subject to amendments that will be addressed by way of permit conditions. The application is being reported to Council given that it is a Major Application (a development cost of more than \$5 million).

#### **Proposal**

2. The proposal is for the development of a two-storey medical centre building on three (3) lots known as 268, 270 and 272 Manningham Road, Templestowe Lower. The development has a site coverage of 47%, a site permeability of 30% and provides 82 car parking spaces over two basement levels. The centre will allow up to 30 practitioners to provide medical services at any one time.

#### **Key issues in considering the application**

3. The key issues for Council in considering the proposal relate to:
  - (a) Use of the land as a medical centre;
  - (b) Built form and landscaping;
  - (c) Off-site amenity impacts;
  - (d) Car parking, access, traffic and bicycle parking; and
  - (e) Objector concerns.

#### **Objector concerns**

4. Three (3) objections have been received for the application. These can be summarised as:
  - (a) Off-site amenity impacts including overshadowing, visual bulk, overlooking and loss of privacy;
  - (b) Inappropriate building design and excessive site coverage;

- (c) Excessive impervious surfaces and increased stormwater runoff, impacts from excavation, inadequate landscaping opportunities and planting within easements.

### Assessment

- 5. The proposal is considered to comply with the relevant planning policy in the Manningham Planning Scheme, in particular Clause 22.05 Non-Residential Uses in Residential Areas Policy and Schedule 8 to the Design and Development Overlay (DDO8). The use of the land for a medical centre is supported by policy given the site is located on a main road and within close proximity to the Macedon Square Activity Centre.
- 6. The design of the building will make a positive contribution to the streetscape and will not create any unreasonable visual or other off-site amenity impacts on nearby properties, subject to changes that will be required by way of permit conditions. Adequate setbacks are also provided to site boundaries to allow for appropriate landscaping opportunities.
- 7. The proposal seeks a reduction in the associated car parking requirement at Clause 52.06 Car Parking in the Manningham Planning Scheme, equating to a reduction of ten (10) car parking spaces from the standard requirement (from 92 to 82). The reduction is supported based on the empirical assessments undertaken for similar medical centres that show the adequacy of a reduced number of car parking spaces and the availability of bus services which operate in both directions along Manningham Road.

### Conclusion

- 8. The report concludes that the proposal is considered to comply with the relevant planning policy and should therefore be supported, subject to some design changes to the building presentation and the inclusion of suitable management plan conditions.
- 9. It is recommended that the application be supported subject to permit conditions.

## 1. RECOMMENDATION

### That Council:

- A. **Having considered all objections a NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application PL16/026448 for the use and development of the land for a two-storey medical centre with associated basement car park, reduction of the associated car parking requirements and alteration of access to a road in a Road Zone, Category 1 subject to the following conditions:**

- 1. **Before the development starts, two copies of amended plans drawn to scale and dimensioned, must be submitted to the satisfaction of the Responsible Authority and approved by the Responsible Authority. When approved the plans will then form part of the permit. The plans must be generally in accordance with the decision plans prepared by The Buchan Group (Revision P04, dated 19 August 2016), but modified to show the following:**

- 1.1 The southern wall of the upper level located opposite the properties at 33, 35 and 37 Philip Avenue, recessed from the southern edge of the ground level wall by at least one metre;
- 1.2 An indent of a minimum width of 2 metres and a minimum depth of 5 metres on the southern upper level wall of the building between Suites 11 and 12, to create articulation to the wall and roof form;
- 1.3 All batter slopes to be no steeper than 1:3 or replaced with retaining walls;
- 1.4 Deletion of all reference to advertising and the advertising signage area shown on the northern wall (north elevation plan);
- 1.5 The obscure glazed sections of all windows to be fixed, or if openable, a cross-section diagram submitted to demonstrate that the window design does not allow direct views into existing secluded private open space areas;
- 1.6 Details of any services within the front setback (including the fire tank and pump room, meters and any fire boosters) including dimensions and materials, with a design which is integrated with the overall development;
- 1.7 A disability access ramp to allow barrier access between the street and the main building entry, as per the discussion plan received by Council on 18 January 2017;
- 1.8 The system size of the solar panels notated on the roof plan to reflect the details in the Sustainability Management Plan required under Condition 4 of this permit;
- 1.9 The area of roof being directed to the water tank used for landscaping as per the Sustainability Management Plan required under Condition 4 of this permit;
- 1.10 Any changes required to improve stormwater quality as per the Sustainability Management Plan required under Condition 4 of this permit;
- 1.11 Any changes required by VicRoads (Conditions 41 to 45 of this permit).

#### **Endorsed Plans**

2. The development as shown on the approved plans must not be altered without the prior written consent of the Responsible Authority.

#### **Construction Management Plan**

3. Before the development starts, two copies of a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved, the Plan will form part of the planning permit. The Plan must address, but not be limited to, the

following:

- 3.1 A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced;
- 3.2 Hours of construction;
- 3.3 Delivery and unloading points and expected frequency;
- 3.4 On-site facilities for vehicle washing;
- 3.5 Asset protection procedures for any public footpaths;
- 3.6 On-site facilities for vehicle washing;
- 3.7 The location of parking and site facilities for construction workers;
- 3.8 Measures to minimise the impact of construction vehicles arriving at and departing from the land;
- 3.9 Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;
- 3.10 The measures for prevention of the unintended movement of building waste and other hazardous materials and pollutants on or off the site, whether by air, water or other means;
- 3.11 An outline of requests to occupy the front nature strip and any anticipated disruptions to local services;
- 3.12 Measures to minimise the amount of waste construction materials;
- 3.13 Measures to minimise noise and other amenity impacts from mechanical equipment/construction activities, especially outside of daytime hours;
- 3.14 Adequate environmental awareness training for all on-site contractors and sub-contractors.

#### **Sustainability Management Plan**

4. Before the development starts or the issue of a building permit for the development, whichever is sooner, two copies of an amended Sustainability Management Plan must be submitted to and approved by the Responsible Authority. When approved, the Plan will form part of the planning permit. The plan must be generally in accordance with the decision plan prepared by Murchie Consulting (dated 16 November 2016) but modified to include the following:
  - 4.1 An ESD assessment tool (such as BESS) to benchmark the performance of the proposal;
  - 4.2 More details on the Co-Efficient of Performance of the proposed

VRF A/C system and a more details description of the proposed zoning and controls;

- 4.3 A more detailed description of the proposed lighting strategy, zoning and controls;
- 4.4 The use of LEDs throughout the building;
- 4.5 A STORM or MUSIC report to demonstrate how the proposal deals with stormwater quality and achieves a 100% STORM score or equivalent MUSIC rating.

#### Waste Management Plan

5. Before the development starts or the issue of a building permit for the development, whichever is sooner, two copies of an amended Waste Management Plan must be submitted to and approved by the Responsible Authority. When approved, the Plan will form part of the planning permit. The plan must be generally in accordance with the decision plan prepared by Leigh Design (dated 17 November 2016) but modified to include:
  - 5.1 Swept path diagrams to demonstrate that the private waste collection vehicle can enter and exit the site in a forward direction (which may include the ability to perform a 3-point turn within the basement);
  - 5.2 The height clearance of the basement and confirmation that it is adequate for the waste collection vehicle.

#### Management plan compliance

6. The Management Plans approved under Conditions 3, 4 and 5 of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.
7. Before the approved use starts, a report from the author of the Sustainability Management Plan, approved pursuant to this permit, or similar qualified person or company, must be submitted to the Responsible Authority. The report must be submitted to the satisfaction of the Responsible Authority and must confirm that all measures in the Sustainability Management Plan approved under Condition 4 of this permit have been implemented in accordance with the approved plans.

#### Completion

8. Before the approved use starts, landscaped areas must be fully planted and mulched or grassed generally in accordance with the approved plan and to the satisfaction of the Responsible Authority.
9. Privacy screens and obscure glazing as required in accordance with the approved plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and

maintained thereafter to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.

10. Driveway gradients and transitions as shown on the plan approved under Condition 1 of this permit must be generally achieved through the driveway construction process to the satisfaction of the Responsible Authority.

#### Landscaping Plan

11. Before the development starts, two copies of an amended landscaping plan must be submitted to the Responsible Authority for approval. The plan must be generally in accordance with the decision plan and submitted concept landscape plan prepared by Formium (Revision B, dated October 2016), but modified to show:

11.1 A minimum of one (1) canopy tree within the front setback that can reach a minimum mature height of 8 metres;

11.2 All canopy trees are at least 1.5 metres in height at the time of planting;

11.3 Shallow rooted planting within the easements;

11.4 Planting within 2 metres along the frontage from the edge of the driveway(s) and 2.5 metres along the driveway(s) from the frontage to be no greater than 0.9 metres in height at maturity.

The use of synthetic grass as a substitute for open lawn area within secluded private open space or a front setback will not be supported. Synthetic turf may be used in place of approved paving decking and/or other hardstand surfaces.

#### Landscape bond

12. Before the release of the approved plan for the approved development, a \$10,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all landscaping works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.

#### Stormwater – On-site detention (OSD)

13. The owner must provide on-site storm water detention storage or other suitable system (which may include but is not limited to the re-use of stormwater using rainwater tanks), to limit the Permissible Site Discharge (PSD) to that applicable to the site coverage of 35 percent of hard surface or the pre-existing hard surface if it is greater than 35 percent. The PSD must meet the following requirements:

**13.1 Be designed for a 1 in 5 year storm; and**

**13.2 Storage must be designed for 1 in 10 year storm.**

**Construction Plan (OSD)**

- 14. Before the development starts, a construction plan for the system required by Condition 13 of this permit must be submitted to and approved by the Responsible Authority. The system must be maintained by the Owner thereafter in accordance with the approved construction plan to the satisfaction of the Responsible Authority.**

**Drainage**

- 15. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor. A connection to Council maintained assets must not be constructed unless a Miscellaneous Works Permit is first obtained from the Responsible Authority.**
- 16. The whole of the land, including landscaped and paved areas must be graded and drained to the satisfaction of the Responsible Authority, to prevent ponding and to minimise overland flows onto adjoining properties.**

**Site Services**

- 17. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.**
- 18. All upper level service pipes (excluding stormwater downpipes) and any wall mounted spa-bath pump must be concealed and screened respectively to the satisfaction of the Responsible Authority.**
- 19. Communal lighting must be connected to reticulated mains electricity and be operated by a time switch, movement sensors or a daylight sensor to the satisfaction of the Responsible Authority.**
- 20. Any reverse cycle air-conditioning unit erected on the walls or roofs of the building must be so located, as to not adversely affect the amenity of the area by way of appearance/visual prominence to the satisfaction of the Responsible Authority. Where the Responsible Authority identifies a concern about visual appearance, appropriately designed/finished screening must be installed and maintained to the satisfaction of the Responsible Authority.**
- 21. Unless depicted on a Roof Plan approved under Condition 1 of this permit, no roof plant (includes air conditioning units, basement exhaust ducts, solar panels or hot water systems) which is visible to immediate neighbours or from the street may be placed on the roof of the approved building, without details in the form of an amending plan**

being submitted to and approved by the Responsible Authority.

22. Any wall-mounted, instantaneous gas hot water system located on an external wall of the building, so as to be visible from off the site must be provided with a neatly designed, durable screen (in perforated metal sheeting, for instance) to the satisfaction of the Responsible Authority or be of the recessed type with a cover plate.
23. If allowed by the relevant fire authority, external fire services must be enclosed in a neatly constructed, durable cabinet finished to complement the overall development, or in the event that enclosure is not allowed, associated installations must be located, finished and landscaped to minimise visual impacts from the public footpath in front of the site to the satisfaction of the Responsible Authority.
24. Any security door/grille to the basement opening must maintain sufficient clearance when fully open to enable the convenient passage of waste collection vehicles which are required to enter the basement and such clearance must also be maintained in respect of sub-floor service installations throughout areas in which the waste collection vehicle is required to travel to the satisfaction of the Responsible Authority.

#### Vehicle Crossings and Accessways

25. Prior to occupation of the approved dwellings, any new or modified vehicular crossover must be constructed in accordance with the plans endorsed under Condition 1 of this permit to the satisfaction of the Responsible Authority.
26. Redundant vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.

#### Car Parking

27. Before the approved use starts, all areas set aside for car parking and access lanes as shown on the approved plan must be:
  - 27.1 Line marked to indicate each car parking space;
  - 27.2 Marked to show the direction of traffic along access lanes and driveways;
  - 27.3 The car parking spaces for a person with a disability designed and marked to comply with the relevant Australian Standard;to the satisfaction of the Responsible Authority.
28. Parking areas and access lanes must be kept available for these purposes at all times, must be maintained and must not be used for any other purpose to the satisfaction of the Responsible Authority.
29. All car parking spaces must be designed to allow all vehicles to enter and leave the site in a forward direction.



**Operation**

30. The loading and unloading of goods from vehicles associated with the medical centre use must only be carried out on the land.
31. Except with the prior written consent of the Responsible Authority, the number of medical practitioners who work at the centre at any one time must not exceed thirty (30) and in the event of a roster system being applied, such roster must ensure that no overlap of consultation periods occurs.
32. Except with the prior written consent of the Responsible Authority and except in the case of an emergency, the medical centre must only operate between the following hours:  
  
Monday to Friday: 8am to 8pm  
  
Saturday: 8am to 5pm  
  
Sunday: 9am to 5pm
33. All noise emanating from any mechanical plant (air conditions, refrigeration plant, etc.) must comply with the State Environment Protection Policy N-1 and in the event of the Responsible Authority receiving justifiable complaints regarding noise from such sources, the onus will be on the owner of the development site to prove compliance with the relevant policy to the satisfaction of the responsible authority.
34. All security alarms or similar devices installed on the land must be of a silent type to the satisfaction of the Responsible Authority.
35. External lighting must be designed so to limit loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority.
36. Any infectious or potentially infectious wastes (as defined by the EPA) must be disposed of in accordance with Environmental Protection Authority (EPA) requirements, to the satisfaction of the Responsible Authority.
37. Garbage and recycling storage areas must be maintained in a neat and tidy condition to the satisfaction of the Responsible Authority.

**Fencing / Retaining Walls**

38. Before the approved use starts, all fencing must be erected in good condition in accordance with the plans endorsed under Condition 1 of this permit to the satisfaction of the Responsible Authority.
39. All retaining walls must be constructed and finished in a professional manner to ensure a neat presentation and longevity to the satisfaction of the Responsible Authority.

**Maintenance**

40. Buildings, paved areas, drainage and landscaping and all external areas must be maintained to the satisfaction of the Responsible Authority.

**VicRoads Conditions (conditions 41 to 45)**

41. Before the commencement of works, amended plans, showing the access arrangement to the subject land, to the satisfaction of VicRoads must be submitted to the responsible authority for endorsement. Once endorsed, the plans will form part of this planning permit. The amended plans shall include (but not limited to):
- 41.1 A fully dimensioned access arrangement off Manningham Road that is designed to allow concurrent vehicular movement of a SRV and B85 car.
- 41.2 Allowance for vehicle to turnaround when the car park is closed.
- 41.3 The edges of the access crossover must be angled at 60 degrees to the edge of the road, at least for the first 3 metres from the edge of the shoulder (or as approved).
42. All disused or redundant crossovers must be removed and the nature strip, footpath and kerb and channel reinstated.
43. Prior to the commencement of the use or the occupation of the buildings, all works required under this permit must be provided and available for use to the satisfaction of the Responsible Authority and at no cost to VicRoads.
44. Vehicles must enter and exit the land in a forward direction at all times.
45. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

**Permit Expiry**

46. This permit will expire if one of the following circumstances apply:
- 46.1 The development is not started within two (2) years of the date of this permit; and
- 46.2 The development is not completed within four (4) years of the date of this permit; and
- 46.3 The use is not started within two (2) years of the completion of the development.

The Responsible Authority may extend the periods referred to if a request is made in writing by the owner or occupier either before the permit expires or in accordance with Section 69 of the Planning & Environment Act 1987.

## 2. BACKGROUND

- 2.1 The application was received by Council on 1 July 2016.
- 2.2 A request for further information was sent to the Applicant on 28 July 2016 and raised preliminary concerns regarding the submitted proposal relating to the design of the built form, provision of landscaping, the design of the car park and the on-site car parking space provision.
- 2.3 The application was amended under Section 50 of the *Planning and Environment Act 1987* (the Act) on 11 November 2016 to include the reduction of the standard car parking requirements of the Manningham Planning Scheme and the alteration of access to a road in a Road Zone, Category 1 (Manningham Road) in the proposal.
- 2.4 All requested further information was received by Council on 1 December 2016.
- 2.5 The statutory time for considering a planning application is 60 days. The 60 day timeframe for this application will lapse on 13 February 2017.

## 3. THE SITE AND SURROUNDS

### The Site

- 3.1 The site comprises three (3), side-by-side residential lots on the southern side of Manningham Road, namely 268, 270 and 272 Manningham Road.
- 3.2 The site is rectangular in shape with an indented south-western corner. The site has a street frontage of 55.37 metres, a maximum depth of 43.85 metres on the eastern boundary and an area of approximately 2,440 square metres.
- 3.3 The site slopes up by approximately 2.7 metres from the north-west corner (front) to the south-east corner (rear).
- 3.4 Easements (2.44 metre wide) are located along the southern (rear) and eastern site boundaries.
- 3.5 The three (3) lots are each developed with a single-storey brick dwelling with a secluded private open space area and outbuildings located to the rear. Each lot is accessed by a vehicle crossover on the western end of the respective street frontage.
- 3.6 The land titles are not constrained by covenants or Section 173 Agreements.

### The Surrounds

- 3.7 The site directly abuts six (6) properties, which are described as follows:

Direction	Address	Description
West	266 Manningham Road, Templestowe Lower	This property is developed with four, two-storey dwellings with associated basement car parking. The development is set back 1.5 metres from the common boundary at

		its closest point and the secluded private open space areas of the dwellings are oriented towards the site.
South-west	2 Madeleine Street, Doncaster	This property abuts the western section of the site's southern boundary and the southern section of the site's western boundary, forming the indented south-wester corner of the site. The property is developed with a two-storey, brick dwelling set back approximately 15 metres from the common boundary. The secluded private open space area is located to the rear of the dwelling and adjacent to the site
South	33 Philip Avenue, Doncaster	This property abuts the eastern section of the site's southern (rear) boundary and is developed with a two-storey, brick dwelling set back 22.7 metres from the common boundary. The secluded private open space area to the rear of the dwelling is adjacent to the site and comprises a shed on the north-western corner.
	35 Philip Avenue, Doncaster	This property abuts the central section of the site's southern (rear) boundary and is developed with a single-storey, brick dwelling set back 8.7 metres from the common boundary. The secluded private open space area to the rear of the dwelling is adjacent to the site and comprises a swimming pool that is surrounded by screen landscaping.
	37 Philip Avenue, Doncaster	This property abuts the western section of the site's southern (rear) boundary and is developed with a single-storey, brick dwelling set back 16 metres from the common boundary. The secluded private open space area to the rear of the dwelling is adjacent to the site and is vegetated with canopy trees.
East	274 Manningham Road, Templestowe Lower	This property abuts the site to the east and is developed with two single-storey dwellings in a tandem arrangement. The vehicle crossover is located on the western end of the frontage, leading to a driveway that to the west of the dwellings and adjacent to the common boundary.

- 3.8 The character of the immediate neighbourhood is mixed, with a variety of non-residential uses located along this section of Manningham Road. This includes the Macedon Square shopping centre located approximately 80 metres to the north-east of the site. There are examples of more intensive multi-unit residential

developments on nearby properties, such as 282 Manningham Road. Areas located away from the main roads consist of single or two dwellings on a lot.

- 3.9 Immediately to the north of the site is Manningham Road, a major arterial road which has three (3) lanes of traffic in both directions and a raised median strip. Opposite the site, on the southern side of Manningham Road, is a right-turn lane into Hotham Street. Bus services are available in both directions along Manningham Road, with the nearest bus stop located 80 metres to the west of the site.

#### 4. THE PROPOSAL

- 4.1 It is proposed to demolish the existing buildings and remove all vegetation on the site (no planning permit required) to use and develop the land for a two-storey medical centre building with basement car parking. The proposal also seeks a reduction of the associated car parking requirement of the Manningham Planning Scheme and alteration of access to a road in a Road Zone, Category 1.

##### Submitted plans and documents

- 4.2 The proposal is outlined on the plans prepared by The Buchan Group, Revision P04, dated 19 August 2016 and the concept landscape plan prepared by Formium, Revision B, dated October 2016. Refer to Attachment 1.
- 4.3 The following reports were also submitted as part of the application:
- A planning report prepared by SJB Planning, dated November 2016;
  - A traffic report prepared by C Maragos and Associates, dated 21 October 2016;
  - A waste management plan prepared by Leigh Design, dated 17 November 2016;
  - A sustainability management plan prepared by Murchie Consulting, dated 16 November 2016.

##### Development summary

- 4.4 A summary of the proposed development is provided as follows:

Land Size:	2440m <sup>2</sup>	Street setback to Manningham Road (north)	Basement – 5.5m Ground floor – 7m First floor – 7.5m
Site Coverage:	47%	Setback to western boundary	Basement – 2m Ground floor – 3.3m First floor – 3.3m
Permeability:	30%	Setback to eastern boundary	Basement – 1.7m Ground floor – 9.7m First floor – 9.7m
Maximum	9.5m	Setback to southern (rear) boundary	Basement – 4m Ground floor – 4m

Building Height:	adjacent to 33, 35 and 37 Philip Avenue	First floor – 4.4m
Car parking spaces:	Total – 82 Basement 1 – 37 Basement 2 – 45 including 4 staff spaces	Setback to southern (rear) boundary adjacent to 2 Madeleine Street Basement – 2.6m Ground floor – 3m First floor – 3m
Bicycle spaces:	Visitors – 8 Staff – 6	

### Built form and earthworks

- 4.5 The proposed medical centre building is constructed in white polished precast concrete walls with feature timber cladding and an angular light grey metal roof.
- 4.6 In order to level the site for the development, fill of up to 1.1 metres in height at the north-western section of the site and cut of up to 1.7 metres in depth along the eastern and southern boundaries are required. A mix of batter slopes and retaining walls are proposed.
- 4.7 The ground level comprises an entry atrium, 3 separate receptions and waiting areas, 11 suites, 2 consulting rooms, 4 cubicles, a therapy gym, 2 offices and a staff room.
- 4.8 The upper level comprises a reception and waiting area, 13 suites, office and an operating room for day surgery.

### Land use

- 4.9 Three separate medical practices will be provided on the ground level and a cosmetic surgery practice on the first floor level. The balance of the building will be leased to other medical practitioners.
- 4.10 The hours of operation are:
- Monday to Friday: 8am to 8pm;
  - Saturday: 8am to 5pm;
  - Sunday: 9am to 5pm.
- 4.11 A maximum of thirty (30) practitioners will provide health care services within the medical centre at any one time.

### Access and car parking

- 4.12 A new 5.5 metre wide vehicle crossover is located near the eastern end of the frontage, leading to a driveway along the eastern boundary to two basement levels. The basement includes 82 car parking spaces, 6 staff bicycle spaces and a loading bay for deliveries and waste collection.

- 4.13 Pursuant to Clause 52.06 of the Manningham Planning Scheme, a medical centre with 30 medical practitioners providing health services requires the provision of 92 on-site car parking spaces. As the proposal only provides 82 on-site spaces, a reduction of 10 spaces from the standard requirement is sought as part of this application.
- 4.14 Pursuant to Clause 52.29 (Land adjacent to a Road Zone category 1) of the Manningham Planning Scheme, this application includes the proposed alteration of access to a road in a Road Zone, Category 1.

## 5. LEGISLATIVE REQUIREMENTS

- 5.1 Refer to Attachment 2.

## 6. REFERRALS

### External

- 6.1 Given the proposal involves the creation and alteration of access to Manningham Road (a road identified as a Road Zone, Category 1) it is a statutory requirement to refer the application to VicRoads as a determining referral authority.
- 6.2 VicRoads support the proposal and have no objection to the proposal subject to five (5) conditions (**Conditions 41 to 45**).

### Internal

- 6.3 The application was referred to a number of Service Units within Council. The following table summarises their responses:

Service Unit	Comments
Engineering & Technical Services Unit – Drainage	<ul style="list-style-type: none"> <li>All runoff must be directed to the point of discharge (<b>Condition 15</b>).</li> <li>The whole of the land must be drained to prevent ponding and overland flows (<b>Condition 16</b>).</li> <li>An on-site storm water detention system is required (<b>Conditions 13 and 14</b>).</li> </ul>
Engineering & Technical Services Unit – Vehicle Crossing	<ul style="list-style-type: none"> <li>A “Vehicle Crossing Permit” is required.</li> <li>All redundant crossovers must be removed and the footpath, nature strip and kerbing reinstated (<b>Condition 26</b>).</li> </ul>
Engineering & Technical Services Unit – Access and Driveway	<ul style="list-style-type: none"> <li>Swept path diagrams for a waste collection vehicle must be depicted to demonstrate that the vehicle can enter and exit the site in a forward direction (<b>Condition 5.1</b>).</li> </ul>
Engineering & Technical Services Unit – Traffic and Car Parking	<ul style="list-style-type: none"> <li>The proposed reduction of ten (10) car parking spaces is appropriate in the context of the development and the surrounding street network. The findings of the submitted traffic report are supported.</li> </ul>
Engineering & Technical Services Unit – Car Parking	<ul style="list-style-type: none"> <li>The dimensions of the car parking spaces are satisfactory.</li> </ul>

Service Unit	Comments
Layout	
Engineering & Technical Services Unit – Construction Management	<ul style="list-style-type: none"> <li>• A Construction Management Plan is required (<b>Condition 3</b>).</li> </ul>
Engineering & Technical Services Unit – Waste	<ul style="list-style-type: none"> <li>• It is agreed that a private waste collection contractor will be required to undertake waste collection from the development.</li> <li>• Waste collection needs to occur within the property boundary.</li> <li>• No bins can be left outside the property boundary for any reason.</li> <li>• The Waste Management Plan (WMP) needs to detail how the collection contractors will enter and exit the site, access each bin, as well as include plans showing sufficient turning facilities, swept path diagrams, turning circles and relevant height clearances (<b>Condition 5</b>).</li> </ul>
Engineering & Technical Services Unit – Easements	<ul style="list-style-type: none"> <li>• Formal consent to “Build Over Easement” is required.</li> </ul>
Strategic Projects Unit – Sustainability	<ul style="list-style-type: none"> <li>• The following changes to the Sustainability Management Plan (SMP) is required (<b>Condition 4</b>):</li> <li>• The SMP has not included an ESD assessment tool (such as BESS) to benchmark the performance of the proposal.</li> <li>• The SMP needs to provide more details on the Co-Efficient of Performance (COP) of the proposed VRF A/C system and a more detailed description of the proposed zoning and controls.</li> <li>• The proposal needs to commit to the use of LEDs throughout and the SMP needs to provide a more detailed description of the proposed zoning and controls.</li> <li>• Plan notations are required to state the area of roof being directed to the rainwater tank for landscape.</li> <li>• A STORM or MUSIC report must be completed as part of the SMP to demonstrate how the proposal deals with Council’s expectations on stormwater quality (STORM score of 100% or equivalent MUSIC rating).</li> </ul>

## 7. CONSULTATION / NOTIFICATION

- 7.1 Notice of the application was given over a four-week period which concluded on 13 January 2017, by sending letters to nearby properties and displaying three (3) signs on site (a sign on the frontage of each lot).



7.2 Three (3) objections were received, from the following properties:

- 31 Philip Avenue, Doncaster;
- 35 Philip Avenue, Doncaster (adjoining property to the south);
- 37 Philip Avenue, Doncaster (adjoining property to the south).

7.3 The grounds of objection can be summarised as follows:

- Off-site amenity impacts including overshadowing, overlooking and loss of privacy, and continuous built form with no visual relief (an upper level graduation is suggested);
- Excessive site coverage of more than 60%;
- Excessive impervious surfaces and increased stormwater runoff;
- Inadequate landscaping opportunities along the southern site boundary due to the basement excavation and planting within easements;
- Impacts of the excavation on adjoining properties.

7.4 A response to the grounds of objections are provided in the following Assessment section of this report.

## 8. ASSESSMENT

8.1 The proposal has been assessed against the relevant state and local planning policies, the zone, overlay and the relevant particular provisions and general provisions of the Manningham Planning Scheme.

8.2 The assessment is made under the following headings:

- Use;
- Built form and landscaping;
- Off-site amenity;
- Car parking, access, traffic and bicycle parking;
- Objector concerns;
- Other matters.

### Use

8.3 The use of the land for a medical centre is supported by local policy at Clause 22.05 of the Manningham Planning Scheme, as the site is located within close proximity to the Macedon Square Activity Centre and is located on a main road (Manningham Road).

- 8.4 The use of the land for a medical centre is also supported under the zone (Residential Growth Zone), and it is noted that a purpose of the zone is to allow “*non-residential uses to serve local community needs in appropriate locations*”.
- 8.5 The proposed hours of operation (Monday to Friday 8am to 8pm, Saturday 8am to 5pm and Sunday 9am to 5pm) for the medical centre are considered appropriate for such a use and will not result in any unreasonable amenity impacts. The hours will be restricted by a permit condition (**Condition 32**).

### Built form and landscaping

- 8.6 An assessment against the requirements of the DDO8 is provided in the table below. These requirements also cover the policy requirements regarding built form and landscaping at Clause 22.05 of the Manningham Planning Scheme:

Design Element	Level of Compliance
<p><b><u>Building Height and setbacks</u></b></p> <ul style="list-style-type: none"> <li>The minimum lot size is 1800 square metres, which must be all the same sub-precinct. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage.</li> <li>The building has a maximum height of 11 metres provided the condition regarding minimum lot size is met. If the condition is not met, the maximum height is 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.</li> </ul>	<p><b>Met</b></p> <p>The maximum building height of 9.5 metres does not exceed the requirement of 11 metres.</p>
<ul style="list-style-type: none"> <li>Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser.</li> <li>Minimum side street setback is the distance specified in Clause 55.03-1.</li> </ul>	<p><b>Met</b></p> <p>The street setback of 7 metres exceeds the minimum setback requirement.</p>
<p><b><u>Form</u></b></p> <ul style="list-style-type: none"> <li>Ensure that the site area covered by buildings does not exceed 60 percent.</li> </ul>	<p><b>Met</b></p> <p>The site coverage is 47% based on the gross floor area of the ground level.</p>
<ul style="list-style-type: none"> <li>Provide visual interest through articulation, glazing and variation in materials and textures.</li> </ul>	<p><b>Met subject to condition</b></p> <p>Visual interest to the development is provided by a variation of materials and finishes, articulation, the use of glazing and changes in roof forms.</p> <p>However, it is considered that the linear presentation of the south elevation will create a sense of visual bulk to the adjoining properties to the south (rear). A permit condition will require an indent of a minimum width of 2 metres and a minimum depth of 5 metres on the</p>

	southern upper level wall of the building between Suites 11 and 12, to create articulation in the wall and roof form to provide visual interest and reduce the off-site amenity impacts to the adjoining properties ( <b>Condition 1.2</b> ).
<ul style="list-style-type: none"> <li>Minimise buildings on boundaries to create spacing between developments.</li> </ul>	<b>Not applicable</b>
<ul style="list-style-type: none"> <li>Where appropriate ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area.</li> </ul>	<p><b>Met subject to condition</b></p> <p>The building is not stepped down at the rear of the site to provide a transition to the adjoining properties to the south, which are located within the General Residential Zone, Schedule 1. Although the southern section of the building is cut into the slope of the land and there are opportunities for screen landscaping along the rear boundary, the section of building adjacent to the properties on Philip Avenue has a height of up to 8.5 metres and the linear two-storey walls will create a sense of visual bulk on the adjoining properties.</p> <p>Given the size of the site, the large gross floors area of the building (ground level of 1146 square metres and upper level of 883 square metres) and the incorporation of a large void over the entry atrium on the north-eastern part of the building, it is not considered unreasonable to require some of the built form to be taken off the most sensitive interface to the adjoining properties to the south.</p> <p>A permit condition will therefore require the upper level of the southern wall opposite the properties on Philip Avenue to be recessed at least one metre from the southern edge of the ground level to provide graduation and reduce the sense of visual bulk (<b>Condition 1.1</b>).</p> <p>It is considered that the section of the southern wall opposite 2 Madeleine Street on the south-western corner of the building does not need to be graduated given the limited length of this wall facing the adjoining property to the south-west and the screening is provided by an adjoining tree.</p>
<ul style="list-style-type: none"> <li>Where appropriate, ensure that buildings are designed to step with the</li> </ul>	<p><b>Met</b></p> <p>Although the building is not stepped, it is</p>

slope of the land.	cut into the slope of the land on the northern and eastern sides to respond to the slope and reduce its visual impact on the adjoining properties.
<ul style="list-style-type: none"> <li>• Avoid reliance on below ground light courts for any habitable rooms.</li> </ul>	<b>Not applicable</b>
<ul style="list-style-type: none"> <li>• Ensure the upper level of a two storey building provides adequate articulation to reduce the appearance of visual bulk and minimise continuous sheer wall presentation.</li> </ul>	<p><b>Met</b></p> <p>The level of articulation provided is considered acceptable for a commercial building. As discussed above, graduation will be required on the section of the southern wall opposite the adjoining properties on Philip Avenue to further reduce the sense of visual bulk to this sensitive interface.</p>
<ul style="list-style-type: none"> <li>• Ensure that the upper level of a three storey building does not exceed 75% of the lower levels, unless it can be demonstrated that there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation.</li> </ul>	<b>Not applicable</b>
<ul style="list-style-type: none"> <li>• Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos.</li> </ul>	<p><b>Met</b></p> <p>No imposing design features are proposed.</p>
<ul style="list-style-type: none"> <li>• Be designed and sited to address slope constraints, including minimising views of basement projections and/or minimising the height of finished floor levels and providing appropriate retaining wall presentation.</li> </ul>	<p><b>Met</b></p> <p>The building is cut into the slope of the land on the northern and eastern sides to respond to the slope and reduce its visual impact on the adjoining properties.</p>
<ul style="list-style-type: none"> <li>• Be designed to minimise overlooking and avoid the excessive application of screen devices.</li> </ul>	<p><b>Met</b></p> <p>South-facing upper level windows are obscure glazed to limit overlooking.</p>
<ul style="list-style-type: none"> <li>• Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all mobilities.</li> </ul>	<p><b>Met subject to condition</b></p> <p>The main entry of the building is clearly defined. However, it is not considered to be accesible for people of all mobilities given there are steps between the footpath and the front entry. The applicant has submitted a discussion plan (received by Council on 18 January 2017) to demonstrate how a disability access ramp can be provided between the footpath and the building. This ramp will be required by a permit condition (<b>Condition 1.7</b>).</p>
<ul style="list-style-type: none"> <li>• Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties.</li> </ul>	<p><b>Met</b></p> <p>The projection of the basement is limited to the north elevation at the front of the site and does not result in an excessive building height as viewed by</p>

	adjoining properties to the east, south and west.
<ul style="list-style-type: none"> <li>Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site.</li> </ul>	<p><b>Met</b> The basement car park is not clearly visible from the site frontages.</p>
<ul style="list-style-type: none"> <li>Integrate car parking requirements into the design of buildings and landform by encouraging the use of undercroft or basement parking and minimise the use of open car park and half basement parking.</li> </ul>	<p><b>Met</b> Car parking is provided within the basement.</p>
<ul style="list-style-type: none"> <li>Ensure the setback of the basement or undercroft car park is consistent with the front building setback and is setback a minimum of 4.0m from the rear boundary to enable effective landscaping to be established.</li> </ul>	<p><b>Met</b> A rear setback of 4 metres is provided to most sections of the rear boundary and allows sufficient space for effective in-ground landscaping.</p>
<ul style="list-style-type: none"> <li>Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces.</li> </ul>	<p><b>Met</b> The walls are set back adequately from site boundaries to allow for landscaping and effective screen planting. The concept landscapae plan shows landscaping can be provided along all side and rear boundaries.</p>
<ul style="list-style-type: none"> <li>Ensure that service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces.</li> </ul>	<p><b>Met subject to condition</b> A condition will require service equipment to be appropriately screened to limit amenity impacts (<b>Conditions 20 to 22</b>). A condition will also require any services within the frontage to be designed so they complement the overall development (<b>Condition 1.6</b>).</p>
<p><b><u>Car Parking and Access</u></b></p> <ul style="list-style-type: none"> <li>Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback.</li> </ul>	<p><b>Met</b> Only one vehicle crossover is proposed and it is set back 2.6 metres from the closest street tree.</p>
<ul style="list-style-type: none"> <li>Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened, as is necessary.</li> </ul>	<p><b>Met</b> Extensions of the basement beyond the ground level are minimal and generally not visible from beyond the site.</p>
<ul style="list-style-type: none"> <li>Ensure that where garages are located in the street elevation, they are set back</li> </ul>	<p><b>Not applicable</b></p>

a minimum of 1.0m from the front setback of the dwelling.	
<ul style="list-style-type: none"> <li>Ensure that access gradients of basement carparks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements.</li> </ul>	<p><b>Met</b> Gradients of the driveway comply with Design Standard 3 in Clause 52.06-8 of the Manningham Planning Scheme.</p>
<p><b>Landscaping</b></p> <ul style="list-style-type: none"> <li>On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity.</li> </ul>	<p><b>Not applicable</b></p>
<ul style="list-style-type: none"> <li>On sites where one or two storey development is proposed include at least 1 canopy tree within the front setback, which has a spreading crown, and is capable of growing to a height of 8.0m or more at maturity.</li> </ul>	<p><b>Met subject to condition</b> The submitted concept landscape plan shows that canopy trees can be planted within the front setback. This requirement will also be included as a permit condition (<b>Condition 11.1</b>).</p>
<ul style="list-style-type: none"> <li>Provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form.</li> </ul>	<p><b>Met subject to condition</b> The submitted concept landscape plan shows adequate planting can be achieved along the site boundaries to soften the appearance of the built form. Although a site cut is required at the southern and eastern part of the site, the retaining walls are set back from the site boundaries to allow planting on natural ground level.</p> <p>A permit condition will require any batter slopes to be no steeper than 1:3 to allow them to be suitably landscaped. Otherwise they are required to be replaced with retaining walls (<b>Condition 1.3</b>).</p>
<p><b>Fencing</b></p> <ul style="list-style-type: none"> <li>A front fence must be at least 50 per cent transparent.</li> <li>On sites that front Blackburn Road, Andersons Creek Road and Reynolds Road, a fence must: <ul style="list-style-type: none"> <li>not exceed a maximum height of 1.8m</li> <li>be setback a minimum of 1.0m from the front title boundary and a continuous landscaping treatment within the 1.0m setback must be provided.</li> </ul> </li> </ul>	<p><b>Not applicable</b></p>

### Off-site amenity

- 8.7 The assessment of off-site amenity is guided by policy at Clause 22.05 of the Manningham Planning Scheme.

#### Noise

- 8.8 It is not considered that the proposal will result in any unreasonable noise impacts to adjoining properties, as staff and users (outdoor pedestrian activity) is limited to the front of the site. The landscaped area along the southern site boundary is not shown on the submitted plans as being used as outdoor space. The driveway is also cut into the slope of the land and provided with landscape buffers to the site boundaries.

#### Overlooking

- 8.9 The ground level windows are adequately screened by boundary fencing and will not allow overlooking into the adjoining properties.
- 8.10 Windows have been designed to limit overlooking to adjacent dwellings. The upper level west and south-facing windows are obscure glazed up to 1.7 metres above the finished floor level and there are no east-facing upper level windows within 9 metres of the eastern site boundary that would allow unreasonable overlooking.

#### Overshadowing

- 8.11 It is considered that the development will not result in unreasonable overshadowing concerns to the adjoining properties to the south (33, 35, 37 Philip Avenue), given the building is set back at least 4 metres from the southern site boundary and cut into the slope of the land.
- 8.12 The property at 35 Philip Avenue is set back only 8.7 metres from the common boundary, which is less than the dwellings on the other lots and includes a swimming pool within the rear secluded private open space area. Although shadows cast by the development will cover the rear portion of this property and the swimming pool, the amenity impact will not be unreasonable as the extent of shadows will not generally extend beyond the shadows already cast by the boundary fence. The conditions requiring the design of the first floor southern wall to be graduated and articulation to the upper level wall will also further reduce overshadowing impacts (**Conditions 1.1 and 1.2**).
- 8.13 Whilst the proposal will cast shadows into the adjoining properties to the west, the impact is considered acceptable as the building is set back at least 6.2 metres from the adjoining dwellings and the impact will be limited to the period before 12 noon.

#### Safety

- 8.14 The proposal will not result in unreasonable safety concerns to people accessing the medical centre, as the main entry is clearly visible from the frontage and will allow passive surveillance opportunities.

#### **Car parking, access, traffic and bicycle parking**

#### Traffic

8.15 Council's traffic engineers and VicRoads support the proposal and it is considered that any increase in traffic can be readily accommodated by Manningham Road and will not result in adverse impacts to local streets.

#### Access

8.16 The proposal seeks to create and alter access to Manningham Road by widening the existing crossover for 272 Manningham Road to provide access and removing all other crossovers. As VicRoads have no objection to the proposal subject to conditions which will be included in the permit (**Conditions 41 to 45**), the access arrangement to Manningham Road is considered appropriate.

#### Car parking

8.17 Pursuant to Clause 52.06 of the Manningham Planning Scheme, the car parking rate for a medical centre use is 5 spaces for the first person providing health services plus 3 spaces to every other person providing health services. The proposed medical centre with 30 medical practitioners providing health services, requires the provision of 92 on-site car parking spaces. As 82 car parking spaces are provided on-site, a reduction of 10 car parking spaces is sought.

8.18 The proposed reduction has been assessed against the decision guidelines in Clause 52.06-6 of the Manningham Planning Scheme and is supported and considered acceptable for the following reasons:

- The Car Parking Demand Assessment submitted with the application, provides support for the proposed car parking rate based on an empirical assessment of similar medical centres (Manningham Medical Centre and Epping Medical Centre).
- Bus services are available on Manningham Road.
- Council's Engineering and Technical Services Unit supports the proposed reduction in car parking and the on-site car parking provision.

8.19 For the proposed basement car parking, an assessment against the car parking design standards in Clause 52.06-8 of the Manningham Planning Scheme is provided in the table below:

<b>Design Standard</b>	<b>Met/Not Met</b>
1 – Accessways	<b>Met</b> The driveway is 5 metres wide. A minimum headroom of 2.45 metres is provided. Visibility splay areas and a passing area is provided at the frontage. Vehicles are able to enter and leave the site in a forward direction.
2 – Car Parking Spaces	<b>Met</b> The garages and car parking spaces comply with the minimum dimensions required under this standard.
3 – Gradients	<b>Met</b> The maximum driveway gradient and transitions between gradients comply with the standard.
4 – Mechanical Parking	<b>Not applicable</b>



	No mechanical parking is proposed.
5 – Urban Design	<b>Met</b> The driveway will not be visually dominating on the streetscape given its location at the eastern end of the site. The entry to the basement car park is obscured and not visible from the street.
6 – Safety	<b>Met</b> Access to the basement is restricted by a security door.
7 – Landscaping	<b>Met</b> The submitted concept landscape plan shows sufficient planting on both sides of the driveway to soften its appearance.

#### Bicycle parking

8.20 Pursuant to Clause 52.34 of the Manningham Planning Scheme, the proposal is required to provide 3 bicycle spaces for employees and 7 bicycle spaces for visitors. The proposal provides 8 spaces located externally outside the main building entry for visitors and 6 spaces within the basement for staff. This exceeds the minimum requirement. It is considered that the spaces are convenient and easily accessible. The staff bicycle spaces are also enclosed and secure.

#### **Objector concerns**

##### Built form, visual bulk and overshadowing

8.21 Objectors raise the issue of how the building presents to the south and this concern is shared by Officers. To address this issue without unreasonably compromising the floor space for the medical centre, a permit condition will require the upper level of the building to be recessed at least one metre from the southern edge of the ground level (**Condition 1.1**). A permit condition will also require a break to the southern upper level wall between Suites 11 and 12 to create articulation, similar to the break in the wall and roof line opposite the property on 37 Philip Avenue, which will assist in reducing the sense of visual bulk associated with the continuous built form (**Condition 1.2**). These design changes will go some way in addressing the concerns raised by the objector on the continuous built form, visual bulk and overshadowing to their southern adjoining dwelling.

##### Site coverage

8.22 Regarding the objector concern that the proposed building exceeds a 60% site coverage, it is considered appropriate to calculate the site coverage of the ground level of the building (47%) given the basement is largely below natural ground level. The proposed site coverage is supported by DDO8 and the design allows for sufficient space for landscaping along the site boundaries.

##### Permeability and drainage

- 8.23 The basement is set back from all site boundaries to allow for screen landscaping and the proposal provides for 30% permeability which will reduce storm water runoff. An on-site storm water detention system will also be required to reduce runoff impacts by way of permit condition (**Condition 13**).

#### Excavation and easements

- 8.24 It is not considered that the excavation will impact on the adjoining properties, given the retaining wall and basement are set back approximately 2.7 metres and 4 metres from the southern site boundary respectively. The Building Surveyor for the development will be responsible for ensuring that the proposal will not result in damages or other impacts to the adjoining properties.
- 8.25 A permit condition will require any planting within the easements to be shallow rooted (**Condition 11.3**).

#### Overlooking

- 8.26 In relation to overlooking and loss of privacy concerns, plans show that the south-facing upper level windows will be obscure glazed up to 1.7 metres, which will limit overlooking into the south adjoining properties. Whilst ResCode is not applicable to this application, this design response is consistent with the ResCode requirements at Standard B22 which requires a habitable room window with a direct view into a the secluded private open space of an existing dwelling within a horizontal distance of 9 metres to have fixed, obscure glazing in any part of the window below a.7 metre above floor level. A permit condition (**Condition 1.5**) will require the obscure glazed sections of all windows to be fixed, or a cross-section diagram submitted to demonstrate that windows will not allow direct views into existing secluded private open space areas if they are openable.

#### **Other matters**

- 8.27 As this application does not seek permission for advertising signage, a permit condition will require the signage shown on the submitted north elevation of the medical centre to be deleted from plans (**Condition 1.4**). Any signage displayed on the land will be subject to a separate planning application and assessment if a permit is required under Clause 52.05 of the Manningham Planning Scheme.

### **9. CONCLUSION**

- 9.1 It is recommended that the application be supported subject to conditions.

### **10. DECLARATION OF CONFLICT OF INTEREST**

- 10.1 No Officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.